



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

April 21, 2008

Mr. David Dowling, Director  
Policy, Planning and Budget Director  
Virginia Department of Conservation and Recreation  
203 Governor Street, Suite 302  
Richmond, VA 23219

Dear Mr. Dowling:

The U.S. Environmental Protection Agency (EPA) Region III thanks you for the opportunity to review an unofficial version of Virginia's Draft General Permit (VSMP VA04) for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems (MS4s). We appreciate the effort put into revising the document to incorporate our previous comments. Our comments on the revised General Permit are enclosed. Note that we did not receive a revised Fact Sheet with this version, but assume that one will accompany the final package.

Stormwater continues to be a priority in Region III this year as most of the Phase I and II permits are up for reissuance. As part of our stormwater permitting strategy, EPA Region III has identified several priority areas of interest for this round of permit review for all Region III States, including:

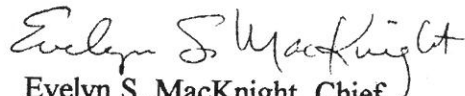
- **Total Maximum Daily Loads (TMDLs)** – Many TMDLs have been completed since the last round of MS4 permits were issued. In 2002, EPA also clarified the need to incorporate TMDL wasteload allocations (WLAs) into MS4 permits. Therefore, our review considers whether MS4 permits address approved TMDLs. Specifically, we are expecting that the MS4 permits provide for a process by which approved BMPs with measurable outcomes are proposed to achieve the WLAs, with additional BMPs to be added based on followup.
- **Attainment of Water Quality Standards** - The Clean Water Act requires stormwater permittees to reduce the discharge of pollutants to the "Maximum Extent Practicable", and also to protect and restore water quality, consistent with water quality standards. MEP is applied with an iterative approach, along with application of Best Management Practices (BMPs) and measurable goals, adapting to current conditions and BMP effectiveness until water quality standards are achieved.
- **State Partnerships** – EPA Region III and the State stormwater managers collaborated as the "Stormcatchers" to develop a series of technical documents

directed at assisting municipalities in implementing their MS4 programs. The documents are now available on EPA's website at <http://cfpub.epa.gov/npdes/stormwater/munic.cfm#r3fact>. We hope that information transfer and continued collaboration in this developing area will help us move forward in this challenging program.

- Chesapeake Bay – EPA continues to promote activities which restore the Chesapeake Bay. EPA's Office of Inspector General (OIG) completed a review in September 2007 of the degree to which EPA and its State partners were reducing existing and preventing future nutrient and sediment loads from developing and developed lands from reaching Chesapeake Bay. Among other things, the review concluded that development growth within the Bay was outpacing progress and that strong EPA, State, and local partnerships were needed to reverse this trend. The EPA Region III Regional Administrator concurred with the recommendations and the Water Protection Division and Chesapeake Bay Program Office are in the process of implementing them, in cooperation with the States. The report is available at <http://www.epa.gov/oig/reports/2007/20070910-2007-P-00031.pdf>.

We understand that the permit will be considered at the next Board meeting. If changes are made, we would like the opportunity to review the document again. We are always available to provide additional information and discuss our comments further. If you have any questions on our comments, please contact Mark Smith at (215) 814-3105.

Sincerely,

  
Evelyn S. MacKnight, Chief  
NPDES Permits Branch (3WP41)  
Water Protection Division

Enclosure

cc: David McGuigan, EPA  
Mark Smith, EPA  
Lori Kier, EPA

